FOUR TRACK SUBWAY WANTED

BROOKLYN'S NEED OPPOSED BY RENTERS OF VAULT SPACE.

First Plan of Two Track Road May Have to Be Carried Out—Many Business Men Advocate Four Tracks, Which, It Is Said, Will Facilitate Local Traffic.

Unless the property owners along the Fulton street route of the Brooklyn subway recede from their attitude of opposing four tracking that section of the line the probability is that the plans in the original contract calling for the construction of only two tracks will be carried out.

By the contract for the building of a subway from the Post Office in Manhattan down Broadway, under the East River and Fulton street to Flatbush avenue only a two track route was contemplated. Subsequently many business men in Brooklyn supported an application made by the Interborough company for permission to add two tracks to the portion of the new road running from Joralemon street to the Flatbush avenue terminal. One of the reasons for making this section a four track road was that it would permit the building of branches to the new bridges and would facilitate local traffic in Brooklyn.

After holding public hearings on the application, which were attended by delegations from Brooklyn who spoke in favor of the suggested change in the plans, the Rapid Transit Commission approved the scheme, which was also indorsed by the Board of Aldermen, with the provision that the Interborough company should secure the necessary consent of property owners. It was thought that this would be merely a formality in view of the recommendations made by the Brooklyn delegations.

The Interborough company began work at once on the plans for putting two extra tracks on the Fulton street branch, and the company is now prepared to go ahead with the work, but an unexpected obstacle has arisen in the form of objection by adjoining property owners. To four-track the road it will be necessary to occupy additional space beneath the street to the width of about twenty-five feet. This cannot be done without excavating under the sidewalks in some portions of the route, which will deprive a number of property owners of the vault space they rent from the city.

According to George S. Rice, chief engineer of the rapid transit company, the owners of property along Fulton street want the enlarged subway, but they are unwilling to sacrifice their vaults, and as a result have withheld their sanction to the construction of a four track subway.

Now the Interborough company must either apply to the Appellate Division for the appointment of a commission to obtain the consent refused by the property owners, or the company must go back to the two track plan. Mr. Rice explained yesterday that all that was needed to give Brooklyn an adequate subway service in the busiest section of the borough was to obtain the consent of 50 per cent. of the property owners. So far, however, this proportion of consents has not been forthcoming.

"The only alternative for us now, unless the property owners can be brought to look at the situation in a more reasonable light," Mr. Rice said, "is to seek the assistance of the Appellate Division, which, under the Rapid Transit act, can appoint a commission to take evidence as to the public necessity for the proposed new route and then to give full consent for its construction. That course, however, would mean a delay of probably a year and that would mean retarding the work which is now going on.

"I doubt if it would be feasible to follow this course because of the great delay which would follow in completing the extension to Brooklyn, and unless the public spirit of the opponents to the four track road comes to our relief I am afraid that there will be nothing left but to revert to the original plan for only a double track subway."

Mr. Rice said that the Interborough company was proceeding as energetically as possible with the task of endeavoring to get the consent of the requisite 50 per cent. of the owners of adjacent property, but that the prospect of success was not encouraging.

No definite plan has been adopted by the commission for the cooling of the heated air in the subway, but Mr. Rice and his assistants are working on the problem. The subway air, Mr. Rice said, is not impure, but merely oppressive because of the heat of the motors.

GOT $17,500 FROM GOULD BROKAW

Lawyer Mrs. Poillon First Retained Is Suing for His Share of That Amount.

It was disclosed yesterday in the course of an argument before Supreme Court Justice Gildersleeve that the amount paid by William Gould Brokaw in settlement of the suit brought against him by Mrs. Katherine Poillon for breach of promise was $17,500. Of this it would seem that a large part went to her lawyers, Black, Olcott, Gruber & Bonynge.

James J. Fitzgerald, who was Mrs. Poillon's counsel before Gov. Black's firm took her case, applied yesterday to Justice Gildersleeve for an order directing Mrs. Poillon or her lawyers, who have in their hands the balance of the money paid in settlement, to pay him for his services up to June, 1904. At that time she changed lawyers and an agreement was signed by both parties by which Mrs. Poillon agreed to pay Fitzgerald 15 per cent. of any verdict or settlement, provided his share did not exceed $3,000. He has been unable to get the money, and wants to impress an attorney's lien on the funds in the Black firm's hands.

W. M. K. Olcott, who appeared for Mrs. Poillon, said that while the firm had no objection to letting Mr. Fitzgerald have his 15 per cent. they had been instructed by Mrs. Poillon to fight the matter, as she believed she had a good defense to the agreement and wanted to go before a jury on the facts. He declined to reveal the nature of the defense.

Mr. Olcott argued further that the agreement by its terms was merely a promise to pay, and not an assignment or anything that could be looked on as giving Mr. Fitzgerald a lien on the money.

Justice Gildersleeve remarked that while it was true that the agreement was not artistically drawn in Mr. Fitzgerald's favor it was evident that it had been Mrs. Poillon's intention to pay her former lawyer, and that she should be made to pay him now. He reserved decision, saying that he would consider carefully how he could best protect Mr. Fitzgerald's interests.

ACCUSES WIFE AND COUSIN.

John C. Allison Has Them Arrested on Charges Germane to the Divorce Court.

PHILADELPHIA, July 7.—Before Squire Brook of Ardmore this morning John C. Allison of Overbrook, head of the John C. Allison Company, arraigned his wife, Irene B. Allison, who lives in Haverford, and William C. Allison, his cousin, of 2034 Spruce street, upon a charge which usually comes before a divorce court.

Every effort was made to keep the hearing secret. No testimony was taken, as P. F. Rothermel, attorney for the defendants, waived examination. The defendants were held in $1,000 bail for trial at Norristown.

Mrs. Allison and her cousin took turns in glaring at the husband at the hearing in the Squire's office.

No Contest Over Ziegler Will.

The will of William Ziegler, the baking powder manufacturer and backer of Arctic expeditions, was admitted to probate yesterday by Surrogate Fitzgerald. By it the bulk of the estate, valued at many millions, goes to his adopted son, William Ziegler, who is still under legal age. No relative interposed any objection.

VERDICT AGAINST A UNION.

$300 Awarded to Man Whose Card Was Taken Away and Who Couldn't Get Work.

ORANGE, July 7.—An action came to trial to-day in the Orange District Court for the recovery of $300 damages from the National Association of the United Hatters of North America, which controls all the union journeymen hatters in the country. It was brought by Frank Winkler, an Orange hat finisher, who alleges that he was deprived of his union card and prevented from earning his living at his trade for several weeks.

Winkler was employed at the hat factory of E. V. Connett & Co. in Orange valley. He declares that he arrived there on the morning of Jan. 9 last and found that the secretary of the local union, Louis Stellpflug, had taken away his card on the ground that he was behind in his dues. Winkler declares that there was no trial, no hearing, no charges or investigation, and as a result he had been unable to get work at his trade.

John A. Moffat, president of the national organization, was one of the first witnesses called by the plaintiff. He told of the relations between the manufacturer and the union. Among other things, Mr. Moffat said the employer had the right to employ any man he chose, but if he set a non-union man to work in a union shop he forfeited certain privileges to the union.

"The rules tell the manufacturer what he must do to run a union factory. He has a right to make his own choice between union and non-union; it is merely a matter of business policy," said Mr. Moffat.

Mr. Moffat said that, barring the scale of prices, the agreements existing between the manufacturer and the union were purely oral. He declared that while the label might be withdrawn from an offending manufacturer the men could only be requested to leave—that there was no compulsion in the matter. He added that no manufacturer could employ a hatter without a card without violating his agreement with the union.

The defense contends that the court is without jurisdiction on the ground that the plaintiff had not exhausted the remedies available within the defendant organization. Joseph A. Beecher, counsel for the defense, asked for a non-suit. Judge Storrs denied the motion.

After the testimony was all in, Judge Storrs charged that the board of directors of the union in ordering Local Secretary Stellpflug to take up Winkler's card and forward it to Philadelphia had pursued an illegal method.

The jury returned a verdict for the full amount of damages asked. President Moffat said application would be made to have the verdict set aside.

STRIKE TO COLLECT DEBT.

Judge Giegerich Refuses to Enjoin the Bricklayers From Keeping It Up.

Justice Giegerich of the Supreme Court denied yesterday an application of the Gotham Construction Company to restrain bricklayers' unions from striking. The bricklayers have been on strike for several weeks on an apartment hotel in Twenty-eighth street near Fifth avenue for which the company has the general contract. The strike is intended to force the payment of $2,100 alleged to be due to Joseph McConnell, a member of the Mason Builders' Association, on a former contract. McConnell was made a codefendant with the officers of the unions in the application.

The unions, as defendants, declare in their affidavits that the president of the Gotham Construction Company was the president of a former company which had the contract for the building when the claim is alleged to have arisen. Under a rule in the trade agreement between the Mason Builders' Association and the bricklayers' unions it is provided that no union bricklayer can work for any general contractors against whom bricklayers or members of the Mason Builders' Association have claims. It is asserted that McConnell could not work during the lockout of last summer, but that the general contractors then took hold and did the work.

The Gotham Construction Company denied that it was in any way responsible for McConnell's claim. In his decision denying the injunction, Justice Giegerich says that certain workmen had voluntarily ceased work for the plaintiffs and refused to return. It was denied that any action had been taken by the officers of the unions in ordering the strike. He quoted a former decision of the Supreme Court to the effect that a man has the right to refuse to work for an employer on any ground he may regard as sufficient and the employer has no right to demand a reason.

The bricklayers' unions now say that the strike will continue until the claim of McConnell is paid.

MAIL DRIVERS DON'T STRIKE.

Conference With Contractor Yet to Be Held—He Gets Plant.

General Organizer Moynihan of the International Brotherhood of Teamsters, to which the Mail Wagon Drivers Union belongs, repeated last night his assertion that the mail wagon drivers would not strike. It was expected, he said, that there would have been a conference yesterday between a committee of the mail drivers and Mr. Hodgkins, representative of G. H. Walcott, who has the contract for all of the city routes, but Mr. Hodgkins was ill and unable to appear.

"Under the circumstances," Mr. Moynihan said, "nothing will be done until next week."

Marshal Henkel and Chief Inspector Cortright consulted with Special Contract Agent Masten yesterday to insure protection of the mails in case a strike should take place.

Mr. Walcott took up his contract yesterday, after a week's delay, under an agreement with G. G. Travers, who controlled the mail carrying plant of the New York Mail Company.

Mr. Walcott says he would lose heavily on his contract if he should grant the drivers' demands. He says he will receive $275,000 a year, and he employs about 200 men on 174 wagons, paying $2.00 and $1.50 per day of twelve hours.

Died Rather Than Lose Leg.

Phillip Dieffenbach, aged 55, a well to do retired butcher of 132 Maujer street, Brooklyn, committed suicide yesterday with illuminating gas. About three years ago a quarter of beef fell on his right leg, injuring it badly, and he spent a large amount of money for medical treatment. Doctors recently told him that he would have to get his leg amputated if he wanted to get well. He told his wife he would rather die than undergo the agony of an operation. Doctors were to have held a consultation in his home yesterday.

Neidinger Held on Two Charges.

When Edward H. Neidinger was arraigned for the third time in the Harlem police court yesterday morning, President E. Fellows Jenkins, of the Children's society, had present about forty of the little girls who were members of the flower class, which Neidinger formerly conducted. After many of these little girls had been examined, Neidinger was held in $2,500 bail on each of two charges preferred by two of the complainants.

Conviction of Regan for Murder Upheld.

The Appellate Division affirmed yesterday the conviction of Martin Regan for murder in the second degree. Regan on Oct. 26, 1899, killed Francis E. Slater, his brother-in-law.

Private Bank Law Unconstitutional.

INDIANAPOLIS, July 7.—Judge Alford today ruled that the new private bank law is unconstitutional.

NEW BRIDGE TERMINAL PLAN

ADOPTED BY ESTIMATE BOARD —LAND TO BE CONDEMNED.

Calls for a New Station With a Basement and Three Floors Above Ground—It Will Permit Handling of Twice as Many Trains as the Present Station.

Plans prepared by Bridge Commissioner Best and Chief Engineer Nichols for the construction of a new railroad terminal at the Manhattan end of the Brooklyn Bridge were adopted yesterday by the Board of Estimate and were forwarded to the Corporation Counsel with instructions to begin condemnation proceedings against the property needed by the city. The plans are modifications of those presented last year by Mr. Best. They provide for the construction of a new terminal station on the ground bounded by Center, Reade and Duane streets and Park row. The new station will be joined to the existing terminal by an extension across Park row. The greater part of the property needed for the improvement is already owned by the city, but there are several parcels, one that occupied by the *Staats-Zeitung* building, which will have to be condemned. It is estimated that the cost of the new terminal will be about $3,000,000.

Commissioner Best gave this description of the new terminal building:

First. A basement below the street level into which the loops for trolley lines in the present station may be transferred for the safer and more convenient disposition of passengers to and from the cars.

Second. A first floor on the ground level which will provide within street lines for waiting and assembly spaces for the use of passengers going to and from the cars over the Bridge, and will be arranged so that Chambers street and certain other crossings may permit free passage of street travel through and under the building.

Third. A second or gallery floor about the level of the mezzanine floor of the present station which will provide for the distribution of passengers coming from the street or from the elevated railroads in Park row as well as those which cross the Bridge.

Fourth. A third or track floor providing for the disposition of tracks and platforms for the trains crossing the Bridge on what are known as the Bridge or elevated railroad tracks. This floor will be the main station floor and have a great height in order to provide adequate light, air and ventilation.

The new station will provide the same number of loops as now used in the present terminal, eight new landing points for Bridge railway trains and will permit the handling of about twice as many trains at this station as is now possible.

The Board of Estimate also held a public hearing on plans for building a railroad terminal at the Manhattan side of the Williamsburg bridge. In the course of a long hearing various schemes were suggested. Ultimately the whole matter was referred to Comptroller Grout and Borough President Ahearn.

ALDERICE JUROR TANGLED.

Lyons, Examined Yesterday, Named the Wrong Man as Foreman.

George W. Lyons, the juror who has made an affidavit that he believes that many of the jurors who voted for the conviction of Lawyer James S. Alderdice for forgery did so because of a statement made in the jury room that Alderdice had been convicted before of a similar offense in Brooklyn and jumped his bail, was examined by Assistant District Attorney Krotel yesterday.

It is principally on the affidavit of Lyon that counsel for Alderdice, who has been sentenced to eighteen years in Sing Sing, hopes to get a new trial.

Lyons was the first questioned. He picked out Albert E. Osborn, the seventh juror, and said: "Mr. Foreman, you asked me if it would influence my decision if I was shown a newspaper clipping stating that Alderdice had been convicted in Brooklyn and jumped his bail."

"I never made such a statement," said Osborn, "and don't you know that I was not the foreman of the jury?"

William E. Arnold, the foreman, was pointed out to Lyons. Lyons couldn't remember whether Arnold or Osborn was foreman. Mr. Krotel asked Lyons if the statement about the newspaper clipping had any influence on him.

"No, it did not," said Lyons, "not until Recorder Goff instructed us on circumstantial evidence, saying that we should consider anything in the defendant's past career."

Lyons said he did not see the newspaper clipping in the jury room. As a matter of fact Alderdice had never been convicted before. Mr. Krotel asked Lyons if he didn't understand that as a juror he could consider nothing except what was in the evidence. Lyons said he understood that thoroughly.

"Then what induced you to vote for conviction?" asked Mr. Krotel.

"One of the jurors, named Menges," said Lyons, "asked me if I was convinced that Alderdice forged and uttered the deed would I be for conviction. I said I would and the deed was sent for."

Lyons examined the deed with a glass he carried. Juror Menges told the other jurors not to say anything to Lyons. At the end of five minutes Lyons said: "Gentlemen, I am with you. I will now vote for conviction. I am convinced that Alderdice forged and uttered the deed. I vote without bias."

Nine other jurors all made statements that the newspaper clipping or anything about Alderdice having been convicted before was never mentioned in the jury room.

In explaining how he came to make the affidavit, Lyons said that after Alderdice had been convicted a lawyer friend named Norbert Blank asked him if he was through with the case. Lyons said he was, but that he was sorry for having voted for conviction.

Lawyer Blank suggested that he tell Frank Moss, Alderdice's counsel, and Lyons agreed to this. Lyons says that Blank had no connection with Mr. Moss nor did he know Alderdice.

As a coincidence it was noted yesterday, that Lyons had first told his story to Lawyer Blank. One of the jurors, the tenth, was named Isidor Blank, and Sarah Blank was a witness for Alderdice.

Mr. Krotel will continue the investigation to-day. The affidavits made by the jurors will be submitted to the Supreme Court on July 20, when the motion is argued for a certificate of reasonable doubt.

SHOPLIFTER ROBS TWO STORES.

Refined Appearing Woman Had Both Arms Full of Bundles.

John Fisher, detective in a Broadway department store, noticed a tall good looking woman acting strangely yesterday. Her arms were laden with packages, but she was able to annex a box containing a shirt waist valued at $21.96.

Fisher seized her and telephoned for the police.

Before Detective McIver arrived Mrs. Thompson, sleuth for a store across the street, had come in and confiscated most of the packages the woman was carrying.

The prisoner took her arrest coolly. She said she was Mrs. Lena Hardy, 32 years old, and that she lived in Cropsey avenue, Bath Beach. She didn't know the number. She said she recently came from Canada.

She was locked up, and at a late hour no one had come to offer bail. She is a refined looking woman and her clothing is of good material.

Dynamite Thrown by Peevish Persons.

WILKESBARRE, Pa., July 7.—An effort was made last night on the mountain near Georgetown to kill twenty picnickers. A stick of dynamite was hurled at the party by one of three men who had not been invited, but it fell short and only two persons, Louis Connor and his daughter Mary, were injured.

STROSNIDER RELEASE TANGLE

LAWYER ANDREWS ASKED WHY HARRIS DID NOT PROSECUTE.

Two Reports on $12,500 Case Will Be Submitted to Mr. Jerome—His Office Took It Up in Belief That It Was a County Medical Society Affair, Mr. Nott Says.

When District Attorney Jerome returns from his Kansas trip he will find two reports on the circumstances leading up to the arrest and discharge of George Snyder, or Strosnider, and George Thompson, alias McKee, who were accused by Dr. John A. Harris of having swindled him out of $12,500. One report will be from Mr. Nott, who is acting District Attorney, and the other will be an explanation from Champe Andrews, who laid the trap that resulted in the arrest of Strosnider and Thompson and who was counsel for Dr. Harris. Strosnider and Thompson were discharged by Magistrate McAvoy on Thursday because Dr. Harris did not appear to press the charge.

Strosnider and Thompson were arrested by Detectives Reardon and Platt of the District Attorney's office. Reardon told Mr. Nott that Mr. Andrews, who is the counsel for the County Medical Society, wanted a couple of detectives to arrest two men. The County Medical Society has cooperated with the District Attorney in the arrest of doctors and midwives who have violated the law, and Mr. Andrews, as counsel for the society, has represented the society in these proceedings. So when Reardon reported to Mr. Nott that Mr. Andrews wanted a couple of detectives Mr. Nott thought that it was in some case connected with the County Medical Society. Mr. Nott warned Reardon, however, to be very careful in making the arrests.

The next day, Assistant District Attorney Hart prepared a complaint for Dr. Harris to sign. Mr. Hart says that Mr. Andrews took the complaint and said that Dr. Harris would sign it. So far as the District Attorney's office has been able to find out, the complaint was never signed by Dr. Harris; but in the police court the next day Strosnider and Thompson were held on a short affidavit made by Detective Reardon.

When Strosnider was arrested he had $7,500 with him. This was immediately attached by Dr. Harris, who alleged that Strosnider got $12,500 of his money. It is also said that on the day of his arrest Strosnider pawned a lot of his jewelry for about $3,500 and the jewelry has been attached by Dr. Harris.

It was something of a surprise to the District Attorney's office when Dr. Harris failed to appear against Strosnider and Thompson on Thursday. Mr. Andrews explained that Strosnider's wife had appealed to Mrs. Harris, who got her husband to drop the case. Mr. Andrews said he had no doubt that his client would be able to recover the property that he says he lost and that enough property had been attached to cover it.

Mr. Nott seems to think that somebody has used the District Attorney's office to collect a private claim. Mr. Nott says that if he had known that it was a private case of Mr. Andrews's and not a case of the County Medical Society he would not have let the District Attorney's detectives have anything to do with it. Mr. Nott also thinks that Dr. Harris should not have dropped the prosecution of Strosnider and Thompson.

Mr. Nott and Mr. Andrews had a long talk over the telephone yesterday after Mr. Andrews had been informed that Mr. Nott intended to make a full report of the case to Mr. Jerome. Mr. Andrews said that he was not responsible for what his client had done. He never told Reardon, he said, that the case had anything to do with the County Medical Society. He was asked why he hadn't called in the police instead of the detectives of the District Attorney's office and he said he had a right to appeal to any peace officer.

Mr. Andrews denies that he tried to fool the District Attorney's office or make it the agent to collect a private claim for one of his clients. He says he acted in good faith all the way through.

BARMAIDS IN HOBOKEN.

Daughters of Saloon Keeper, Who Pays a Fine of $50 for Letting Them Serve Beer.

Henry Fruchtnicht, a Hudson street, Hoboken, saloon keeper, was arraigned yesterday in Recorder Stanton's court for violating a city ordinance forbidding the employment of barmaids. His daughters, Charlotte and Henrietta, admitted that they served beer and other drinks to customers.

Fruchtnicht's counsel, Julius Lichtenstein, said: "My client has been in Hoboken twenty-two years and has had his daughters with him all the time. I have not been able to get him to understand that it is against the law for him to have his girls in the saloon."

Recorder Stanton fined the defendant $50.

FOR TUBERCULOSIS SANITARIUM.

Orange County Board of Supervisors Gives Consent by a Vote of 20 to 1.

MIDDLETOWN, N. Y., July 7.—Dr. Thomas Darlington, president of the New York city Board of Health, addressed a special meeting of the Orange county Board of Supervisors to-day, seeking the permission of the board to establish a sanitarium for the care of New York's tuberculosis patients. The board granted permission by a vote of 20 to 1. The town boards of the towns of Greenville and Mount Hope have already given consent.

A site comprising 1,000 acres on top of the Shawangunk Mountain at Otisville, eight miles from here, has been selected. The plans will have to be formally submitted to the New York authorities for approval, but it is expected that work on the buildings will be begun soon. Surveyors have been at work on the land for a week.

Tuberculosis Sanatorium in Arizona.

EL PASO, Tex., July 7.—Through the Episcopal Church Society of New York steps are being taken to establish a model sanatorium for sufferers from tuberculosis in Phœnix, Ariz. Negotiations for a site are in progress, funds for the project having been provided by money kings of Wall Street. The institution will be open to sufferers of all classes and will be charitable in nature. A model farm covering an area of twenty-five acres is to be a feature. Work on the building will begin in the fall.

DOPED HIM IN HIS OWN SALOON.

Gave Him Knockout Drops and Robbed Him of $1,800.

John Cortese is 70 years old, but is vigorous enough to manage his saloon, at 19 Passaic street, Paterson, N. J.

On June 11 there came into his place four strangers, who appeared well supplied with money. For four days they made the saloon their retreat. They played an occasional game of cards among themselves and on June 14 the old saloon keeper took a hand.

While the game was in progress a customer entered and Cortese went to wait on him. When he returned to the table he drank his beer, but it had a queer flavor. Then he lost consciousness, and when he came to his acquaintances had disappeared, and so had his wallet, which contained $1,800, the savings of fifteen years.

Cortese's son Robert notified the New York police and Detectives Hikman, Moody and Leason were put on the case. Yesterday Hikman saw a man in Tenth street who answered the description of one of Cortese's friends.

In Jefferson Market court he was held as a fugitive from justice.

Thirty-five years ago Cortese lost several thousand dollars through the failure of a New York bank. He also lost faith in such institutions.

WRESTLING.

Jiu-jitsu Has a Successful Test in Contests in Buffalo.

Jiu-jitsu had a good test the other night in Buffalo. Metumura Jamagata, a Jap, was pitted against three American wrestlers who competed at the American style of wrestling, or catch-as-catch-can. Jamagata showed up better than Prof. Higashi did when he met George Bothner in this city last winter. Jamagata beat two men, but failed to subdue his third opponent. In the contests every hold was allowed. The dangerous strangle was not barred, and in this way the Jap succeeded in conquering his rivals.

Dave Moyer was the first man to tackle Jamagata. He weighs about 150 pounds, to the Jap's 135. Moyer sailed right in, and almost immediately fell into a strangle. Moyer went to the floor with a thud and began to gurgle. Jamagata was frightened and went to his victim's aid. He rubbed Moyer's neck and finally brought him around. Moyer, as soon as he got on his feet, instead of shaking hands with his conqueror, swung out the right and caught the Jap on the jaw. The punch, which was quickly delivered, sent Jamagata half way across the stage. The Jap was surprised and the spectators hooted Moyer until he retired to his dressing room.

Jack Mills came on next. Mills weighed about 160 pounds. He did somewhat better than Moyer, but it was apparent that he had no chance against his adversary. He was out to stay as long as he could, and when he got hold of the Jap's kimono, or jiu-jitsu jacket, he held on for dear life. Several times Mills got good leg and body holds on his opponent, but it availed him nothing. After long and seemed to the very confident. One of the rules of the match was that when any portion of an opponent's body got off the mat both men were to quit and start over again. Lewis stood around the edges of the carpet for about fifteen or twenty minutes. His tactics became so monotonous that the crowd urged him to go in and do something. When the time limit was up Lewis was still on his feet and according to the agreement was entitled to a victory. Lewis lasted the limit not by his skill, but by his wits alone. Jamagata is clever and game and after the bout expressed a desire to meet George Bothner or any other American grappler who does not weigh more than 150 pounds.

Jim Parr contemplates a visit to England next month. He has received an offer to meet George Hackenschmidt in London. Hackenschmidt and Parr met in this country a few months ago. Parr did not have a chance and was thrown three times in less than half an hour.

Frank Gotch announces that after this year he will give up wrestling. He declares that he is going in for boxing and believes that he will make a success of it.

TIMELY BOXING TALK.

Jim Wakely Discusses Handing Over of Championship Titles.

There are many persons who think Jim Jeffries was misguided when he made the announcement that he intended to hand over his well earned title of heavyweight champion to Marvin Hart. Should Jeffries take such a step it is contended that he would simply be introducing a new wrinkle in the disposal of championship titles. When a fighter retired in the past it was usually for the reason that the holder began to realize that his days of usefulness in the ring were over. This is hardly the case with Jeffries. Jeffries is still a young man. He has simply quit the roped arena because there is no candidate in sight just yet for him to meet. Were it otherwise it is 10 to 1, many think, that he would be up and doing long before this.

Jeffries likes his calling. When he quit he did so from choice, but should some eligible man come along, whether it is one or two years from now, Jeffries in all likelihood will step into the breach and be seen in action once more.

Jim Wakely thinks that when Jeffries said he would present his title to the victor of the Hart—Root mill the boilermaker was prompted to make the remark more from sentiment than anything else. "Jeffries has no more right to do such a thing than I have," said Wakely. "Jeffries is still the champion and will be regarded as such until he is either vanquished or dies. You cannot make any new rules about giving away fighting titles. There is only one code that I can think of, and that is when a champion pugilist quits, no matter what class he represents, the title can only revert to the man from whom he won it. Therefore if Jeffries gives up the glove business for good and always the only man that I can see who would be right to succeed him is Bob Fitzsimmons. Jeffries got his present laurels by whipping the Cornishman. Fitzsimmons is in the hunt still, and he is entitled of defending the honors he should by all means be the one to take Jeffries's place.

"Ruhlin should be considered in the championship proposition. Gus is a mighty good man, but unfortunate. There is no question about his gameness, for a more courageous fighter never entered the ring. Gotch is slow and careless at times and should have been victorious when he lost.

"As far as Hart is concerned, I do not know enough about him to make any fair comment. Hart is a young man and may amount to something later on. But as to his chance of beating either Fitzsimmons or Jeffries I cannot see it. Hart, they say, has the physique and all that, but I don't think he knows enough yet to be at the head of the most important division in the fighting game."

ALDERMEN LOSE LEGAL POINT

COURT SAYS ESTIMATE BOARD MAY CONSIDER FRANCHISES.

Stay in Aldermen's Suit Modified to Allow Them to Undertake Preliminary Work—Nothing Done at Meeting—Borough Presidents Fight for More Power.

Supreme Court Justice Gildersleeve modified yesterday the stay obtained by Clement H. Wilcox, as a taxpayer, against the Board of Estimate and Apportionment, so as to allow the board to undertake the preliminary steps necessary before any rapid transit franchises can be granted. These steps include the seeking of owners' consents, the drawing of plans and estimates of work to be done.

The other motion before him, by Franklin Pettitt, for an injunction preventing the board from proceeding with the consideration of a number of railroad franchises in The Bronx, Justice Gildersleeve did not decide.

Wilcox's stay was granted pending his appeal from the decision of Justice Blanchard refusing to enjoin the board in the matter of the rapid transit franchises.

In spite of this decision Mayor McClellan and his colleagues on the Board of Estimate decided at the meeting yesterday not to go ahead with the pending applications.

The board, however, did proceed to consider franchises which called only for alterations of routes. One of these was an application for an extension of the rapid transit line to Fort Lee. Mr. Grout contended that this matter did not come under the court order.

Borough President Ahearn objected to any consideration of the matter, on the ground that at the last meeting of the board he asked for information from the Finance Department and had not received it.

"You know as much about it as any one else," Mr. Grout said, "and you did not ask the information until an Alderman standing behind you leaned over and instructed you to ask it."

Mr. Ahearn grew very angry at the remark, but Mr. Grout would not withdraw it.

"It is not fair!" Mr. Ahearn shouted.

Then there was a long argument as to the status of the Fort Lee application, but the Borough Presidents, except Mr. Cromwell, were against the Comptroller, and it went over with the other rapid transit questions until next Friday.

Then Mr. Grout brought up the Port Chester application, laid over from last week, and moved the formal resolution that it be referred to the Comptroller for report.

President Littleton of Brooklyn objected. "I move," he said, "that instead of referring these matters to the Comptroller they be referred to the Finance Department and to the President of the borough affected."

"The Finance Department will not make a joint report with any other department or borough officer," declared Mr. Grout.

His motion was defeated by a union of the Borough Presidents, and in the absence of the acting President of the Board of Aldermen there were not enough votes to adopt Mr. Littleton's motion. So the whole matter went over until next week, when President Fornes of the Board of Aldermen will be back in the city, thus giving the Mayor and Comptroller a working majority again.

HESS LOSES HIMSELF AGAIN.

Started to Port Chester by Magistrate McAvoy, He Falls by the Way.

Frank Hess of Port Chester, who came to town on the Fourth, was robbed of his watch and $170, and finally landed in the Elizabeth street station helplessly drunk and badly beaten, is now missing. On Wednesday Magistrate McAvoy, before whom Hess was arraigned, had him put aboard a Third avenue car and started for Port Chester by way of the Grand Central Station.

Yesterday his son, George Hess, reported to Magistrate McAvoy that his father had not reached home. Magistrate McAvoy said, after making an investigation yesterday, that he was convinced that the police had done all they could and that Hess, when put aboard the car on Wednesday, was abundantly able to take care of himself.

The chief of police of Port Chester said last evening that Hess had not been home, but that he had been seen in a saloon in Port Chester on Thursday. George Hess, the son, said he had heard after returning from New York that his father was in Port Chester. The police were searching for him last night.

Hess's wife was hysterical last evening and it was feared she might collapse under the strain. Hess sold a house recently, and is supposed to have considerable money.

GOOD INDIAN THOUGH NOT DEAD.

Six and a Half Foot Brave Goes to Court Seeking Justice.

Magistrate Barlow stared in amazement when John Medliska, a full blooded Indian from Fort Yuma, Ariz., appeared before him in the West Side court yesterday to complain against a man who had robbed him "in Chicago." The Magistrate had seen Indians before, but never one six feet six, weighing 380 pounds. Therefore he was quite as much taken back as was Magistrate McAvoy when he looked down upon a dwarf not three feet high, arraigned in the Tombs court for "obstructing the sidewalk."

Lo explained that a man in Chicago had stolen $133 from his pocket when Lo disrobed to exhibit himself before an admiring multitude at 10 cents a head. He had a letter from John S. Spear, superintendent of the Fort Yuma Indian schools, which said the giant was a "good Indian" though not a dead one.

Magistrate Barlow told Medliska he would have to return to the city by the lake for justice.

Medliska shook his head until the thick strands of unbraided hair that fell to his waist fanned his face. He didn't know much about courts, he said, but he had heard that Magistrate Barlow was a just Judge.

Medliska left the court followed by an admiring throng.

CANFIELD LOSES A POINT.

Appellate Court Says Lawyer Delahunty Can Go Ahead With One of His Suits.

The order obtained by Lawyer John Delahunty denying the motion of Richard Canfield for the consolidation of the two actions brought by Delahunty against Canfield was affirmed yesterday by the Appellate Division. Delahunty can proceed in the fall with the trial of his first suit to recover $27,500 from Canfield, without waiting for two or three years until the second suit can be tried.

The first suit is on the short cause calendar now. By it Delahunty seeks to recover the balance of $27,500 on an agreement by which he says Canfield promised him 25 per cent. of $130,000, the face value of three notes given by one of Canfield's gambling customers, if Delahunty could recover the money. The lawyer says he did recover it, but only got $5,000 for his trouble. The other suit is for $32,094, the balance due for a long series of legal services beginning on the night Canfield's place was raided by Jerome.

HANDY TELEPHONE.

Woman Sees Housebreakers at Work Across Street and Summons Cops.

Mrs. E. A. Moodhe, wife of an undertaker at 201 South First street, Williamsburg, was kept awake early yesterday morning by rheumatism and while she was sitting near the front show window of her husband's shop she saw three young men on the opposite side of the street forcing an entrance into the grocery of Edward Hopke at 278 South First street. She saw them open a side door and telephoned to police headquarters.

Word was sent to the Bedford avenue station and six cops were sent to Hopke's place. They arrested the three men, who gave the names of Daniel Kelly, 18 years old, of 177 Division avenue; Archie Hathaway, 20 years old, of 742 Driggs avenue, and Joseph McDonald, 21 years old, of 362 Grand street. They were held in the Lee avenue police court for examination.